

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALBERT B. KORB, )  
Plaintiff ) Case No. 1:18-cv-00042 (Erie)  
vs. )  
SGT. HAYSTINGS, ET AL., ) HON. RICHARD A. LANZILLO  
Defendants ) UNITED STATES MAGISTRATE JUDGE  
 ) ORDER ON REMAND

The United States Court of Appeals for the Third Circuit has remanded this matter for further proceedings consistent with its Opinion and Order, entered June 8, 2021. See ECF No. 84. That Court's mandate having now been received (ECF No. 85), it is hereby ORDERED as follows:

1. Plaintiff Albert Korb shall file a Second Amended Complaint on or before July, 22, 2021.
  2. Plaintiff's Second Amended Complaint should attempt to cure the pleading deficiencies outlined in this Court's previous memorandum opinion and any deficiencies identified by the Court of Appeals. In addition to re-stating his claims against Defendant Haystings, Plaintiff's Second Amended Complaint should include allegations to demonstrate the personal involvement of Defendants Wetzel and Clark in actionable conduct.
  2. A Second Amendment Complaint must be complete in all respects and stand by itself without reference to the original Complaint or the Amended Complaint. The Second Amended Complaint should set forth Korb's claims in short, concise, and plain statements as required by Rule 8 of the Federal Rules of Civil Procedure. Each paragraph should be numbered. The Second Amended Complaint should also attempt to identify in separately labeled counts which claims are brought against which Defendants.

4. The Court cautions the Plaintiff that the failure to file a Second Amended Complaint within twenty-one days may result in the dismissal of this action.

5. Upon the filing of a Second Amended Complaint, the Defendant shall have fourteen days to file an Answer or motion pursuant to Rule 12 of the Federal Rules of Civil Procedure.

So ordered this first day of July, 2021.



HON. RICHARD A. LANZILLO  
United States Magistrate Judge